



General Assembly

February Session, 2014

Raised Bill No. 261

LCO No. 1653



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE INHERITANCE RIGHTS OF A
BENEFICIARY OR SURVIVOR WHO IS FOUND NOT GUILTY OF
MURDER OR MANSLAUGHTER OF THE DECEASED BY REASON OF
MENTAL DISEASE OR DEFECT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-447 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) (1) A person finally adjudged guilty, either as the principal or
4 accessory, or finally found not guilty by reason of mental disease or
5 defect pursuant to section 53a-13, of any crime under section 53a-54a,
6 53a-54b, 53a-54c, 53a-54d, 53a-55, [or] 53a-55a, 53a-56 or 53a-56a, or in
7 any other jurisdiction, of any crime, the essential elements of which are
8 substantially similar to such crimes, or a person determined to be
9 guilty, or determined to be not guilty by reason of mental disease or
10 defect, under any of said sections pursuant to this subdivision, shall
11 not inherit or receive any part of the estate of (A) the deceased,
12 whether under the provisions of any act relating to intestate
13 succession, or as devisee or legatee, or otherwise under the will of the
14 deceased, or receive any property as beneficiary or survivor of the

15 deceased, or (B) any other person when such homicide or death
 16 terminated an intermediate estate, or hastened the time of enjoyment.
 17 For the purposes of this subdivision, an interested person may bring
 18 an action in the Superior Court for a determination, by a
 19 preponderance of the evidence, that an heir, devisee, legatee or
 20 beneficiary of the deceased who has predeceased the interested person
 21 would have been adjudged guilty or found not guilty by reason of
 22 mental disease or defect, either as the principal or accessory, under
 23 section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, [or] 53a-55a, 53a-56
 24 or 53a-56a, had the heir, devisee, legatee or beneficiary survived.

25 (2) With respect to inheritance under the will of the deceased, or
 26 rights to property as heir, devisee, legatee or beneficiary of the
 27 deceased, the person whose participation in the estate of another or
 28 whose right to property as such heir, devisee, legatee or beneficiary is
 29 so prevented under the provisions of this section shall be considered to
 30 have predeceased the person killed.

31 (3) With respect to property owned in joint tenancy with rights of
 32 survivorship with the deceased, such final adjudication as guilty or
 33 finding of not guilty by reason of mental disease or defect shall be a
 34 severance of the joint tenancy [,] and shall convert the joint tenancy
 35 into a tenancy in common as to the deceased and the person so
 36 adjudged [and the deceased] or found, but not as to any remaining
 37 joint tenant or tenants. [, such severance being] Such severance shall be
 38 effective as of the time such adjudication [of guilty] or finding becomes
 39 final. When such jointly owned property is real property, a certified
 40 copy of the final adjudication as guilty or finding of not guilty by
 41 reason of mental disease or defect shall be recorded by the fiduciary of
 42 the deceased's estate, or may be recorded by any other interested party
 43 in the land records of the town where such real property is situated.

44 (b) In all other cases where a defendant has been convicted of killing
 45 another person, or has been found not guilty of killing another person
 46 by reason of mental disease or defect, the right of such defendant to
 47 inherit or take any part of the estate of the person killed or to inherit or

48 take any estate as to which such homicide terminated an intermediate
49 estate, or hastened the time of enjoyment, or to take any property as
50 beneficiary or survivor of the deceased shall be determined by the
51 common law, including equity.

52 (c) (1) A named beneficiary of a life insurance policy or annuity who
53 intentionally causes the death of the person upon whose life the policy
54 is issued or the annuitant, is not entitled to any benefit under the
55 policy or annuity, and the policy or annuity becomes payable as
56 though such beneficiary had predeceased the [decedent] deceased.

57 (2) (A) A conviction or a finding of not guilty by reason of mental
58 disease or defect under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-
59 55, [or] 53a-55a, 53a-56 or 53a-56a, or a determination pursuant to
60 subparagraph (B) of this subdivision that a named beneficiary would
61 have been found guilty under any of said sections had the named
62 beneficiary survived, or would have been found not guilty under any
63 of said sections by reason of mental disease or defect had the named
64 beneficiary survived, shall be conclusive for the purposes of this
65 subsection.

66 (B) For the purposes of this subsection, an interested person may
67 bring an action in the Superior Court for a determination, by a
68 preponderance of the evidence, that a named beneficiary who has
69 predeceased the interested person would have been found guilty
70 under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, [or] 53a-55a,
71 53a-56 or 53a-56a, or would have been found not guilty under any of
72 said sections by reason of mental disease or defect, had the named
73 beneficiary survived.

74 (C) In the absence of such a conviction, finding or determination,
75 the Superior Court may determine by the common law, including
76 equity, whether the named beneficiary is entitled to any benefit under
77 the policy or annuity.

78 (D) In any proceeding brought under this subsection, the burden of

79 proof shall be [upon] on the person challenging the eligibility of the
80 named beneficiary for benefits under a life insurance policy or annuity.

81 (3) Any insurance company [making] that makes payment
82 according to the terms of its policy or annuity is not liable for any
83 additional payment by reason of this section unless [it] the insurance
84 company has received at its home office or principal address written
85 notice of a claim under this section prior to such payment.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2014</i>	45a-447
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JUD *Joint Favorable*